

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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CHARLES SAMUEL CHERRY,

Civil No. 22-2012 (JRT/DLM)

Plaintiff,

v.

**ORDER ON REPORT AND  
RECOMMENDATION**

OFFICER ADRIANA BOOKER,

Defendant.

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Charles Samuel Cherry, OID# 263681, 7600 525th Street, Rush City, MN 55069, *pro se* plaintiff.

Corinne Wright, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101, for defendant.

United States Magistrate Judge Douglas L. Micko filed a Report and Recommendation on July 25, 2023. ( ECF No. 45.) No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (ECF No. 45) is **ADOPTED**;
2. Defendant Adriana Booker's Motion to Dismiss Plaintiff Charles Samuel Cherry's official-capacity claims against her (ECF No. 20) is **GRANTED** for lack of subject-matter jurisdiction; and
3. Officer Booker's Motion to Dismiss Mr. Cherry's individual-capacity claims against her (ECF No. 35) is **DENIED**.

Dated: August 28, 2023  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge